

REMARKS

Withdrawn claims 7-26 have been cancelled solely to reduce filing fees. New claims 37-62 have been added to recite those features found in cancelled claims 7-26 in new claims dependent on claim 1. Finally, claim 1 has been amended to more clearly recite the structure of the delivery system used in the inventive process, as described in the specification in Paragraphs [0028], [0030], [0059] and [0105] as well as original claims 10-12.

The rejection of claim 12 under 35 U.S.C. § 112, ¶ 2, is respectfully traversed. Anyone knowledgeable in chemistry knows that the solubility of salts in water is expressed in terms of molarity, i.e., moles per liter. Therefore, there is nothing vague or indefinite in the language used in claim 4 relating to solubility. Patent specifications are directed to persons of ordinary skill in the art, who would know exactly what is being referred to. Reconsideration is requested.

The rejection of claim 1-3, 5 and 6 under 35 U.S.C. § 103 is also respectfully traversed. None of the prior art suggests a delivery system composed of microparticles of a biodegradable polymer containing an antigen, the microparticles also **encapsulating** magnesium carbonate or analogous antacid. As explained in Paragraphs [0028], [0030], [0059] and [0105] of the specification and demonstrated in the working examples, especially those in Table 7 on page 33 (and especially Groups 9 and 10 in this table), this approach significantly enhances the immunogenic response provided by this delivery system.

Since the prior art fails suggest antigen-containing microparticles which also encapsulate an antacid such as magnesium carbonate, a *prima facie* case of obviousness has not been established. Moreover, even if a *prima facie* case were established, it has clearly been rebutted by the unexpected enhancement in immunogenic response found by applicants and demonstrated in the specification.

Application SN 10/617,078
Amendment dated July 27, 2007
Response to Office Action of February 27, 2007

Applicant encloses a check in the amount of \$550 to cover the response filed within the second month under fee code 2252 - \$225, and \$325 (fee code 2202) to cover thirteen (13) new dependent claims under 37 CFR 1.17(i). Should the Commissioner decide that any fee or fee deficiency is due, the Commissioner is hereby authorized to charge any and all fees incurred as a result of entering this amendment and response to deposit account number 03-0172.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. E. Miller", is written over a horizontal line.

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